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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-912*

13 **BONNIE MARIE DEMANTY, AKA**
14 **BONNIE MARIE CAPPS**
1777 East El Paso Avenue
Fresno, California 93720

A C C U S A T I O N

15 **Registered Nurse License No. 279758**

16 Respondent.

17 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the Executive
20 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

21 **Registered Nurse License**

22 2. On or about August 31, 1977, the Board issued Registered Nurse License Number
23 279758 to Bonnie Marie Demanty, also known as Bonnie Marie Capps ("Respondent"). The
24 Registered Nurse License was in full force and effect at all times relevant to the charges brought
25 herein and expired on March 31, 2013.

26 **JURISDICTION**

27 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
28 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

1 license, for any reason provided in Article 3 (commencing with Code section 2750) of the
2 Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license.

6 5. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a
7 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
8 period within which the license may be renewed, restored, reissued or reinstated.

9 STATUTORY PROVISIONS

10 6. Code section 2761 states, in pertinent part:

11 The board may take disciplinary action against a certified or licensed nurse or
12 deny an application for a certificate or license for any of the following:

13 (a) Unprofessional conduct. . . .

14 (f) Conviction of a felony or of any offense substantially related to the
15 qualifications, functions, and duties of a registered nurse, in which event the record of
the conviction shall be conclusive evidence thereof.

16 7. Code section 2762 states, in pertinent part:

17 In addition to other acts constituting unprofessional conduct within the meaning
18 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person
licensed under this chapter to do the following:

19

20 (b) Use any controlled substance as defined in Division 10 (commencing with
21 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous
22 device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner
23 dangerous or injurious to himself or herself, any other person, or the public or to the
extent that such use impairs his or her ability to conduct with safety to the public the
practice authorized by his or her license.

24 (c) Be convicted of a criminal offense involving the prescription, consumption,
25 or self-administration of any of the substances described in subdivisions (a) and (b) of
26 this section, or the possession of, or falsification of a record pertaining to, the
substances described in subdivision (a) of this section, in which event the record of
the conviction is conclusive evidence thereof.

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1 c. On February 14, 2005, in the case of *People v. Bonnie Marie Demanty* (Superior
2 Court of California, County of Fresno, Central Division (2005) Case No. T04907916-1), the court
3 convicted Respondent on her plea of guilty of violating Vehicle Code section 23152,
4 subdivision (b) (driving under the influence of alcohol with 0.08% or higher alcohol blood level),
5 a misdemeanor, with an enhancement of Vehicle Code section 23578, (having a blood alcohol
6 level at or in excess of .15%). The circumstances of the crime are that on or about August 11,
7 2004, Respondent drove a vehicle while having a blood alcohol level of 0.27%. Respondent was
8 sentenced to 180 days in the county jail

9 d. On February 14, 2005, in the case of *People v. Bonnie Marie Demanty* (Superior
10 Court of California, County of Fresno, Central Division (2004) Case No. TO904240-9), the court
11 convicted Respondent on her plea of no contest of violating Vehicle Code section 23152,
12 subdivision (b) (driving under the influence of alcohol with 0.08% or higher alcohol blood level),
13 a misdemeanor, with an enhancement of Vehicle Code section 23578, (having a blood alcohol
14 level at or in excess of .15%). The circumstances of the crime are that on or about May 8, 2004,
15 Respondent drove a vehicle while having a blood alcohol level of 0.21% and 0.22%. Respondent
16 was sentenced to 180 days in the county jail.

17 e. On February 14, 2005, in the case of *People v. Bonnie Marie Demanty* (Superior
18 Court of California, County of Fresno, Central Division (2005) Case No. 04904016-3), the court
19 convicted Respondent on her plea of no contest of violating Vehicle Code section 23152,
20 subdivision (b) (driving under the influence of alcohol with 0.08% or higher alcohol blood level),
21 a misdemeanor, with an enhancement of Vehicle Code section 23578, (having a blood alcohol
22 level at or in excess of .15%). The circumstances of the crime are that on or about April 17,
23 2004, Respondent drove a vehicle while having a blood alcohol level of 0.20% and 0.21%.

24 **SECOND CAUSE FOR DISCIPLINE**

25 (Dangerous Use of Alcohol and Drugs)

26 10. Respondent is subject to discipline under Code section 2761, subdivision (a), on the
27 grounds of unprofessional conduct as defined in Code section 2762, subdivision (b), in that
28 Respondent used alcoholic beverages to an extent or in a manner dangerous or injurious to

1 herself, any other person, or the public, by operating a motor vehicle after using alcoholic
2 beverages, as set forth in paragraph 9, above.

3 **THIRD CAUSE FOR DISCIPLINE**

4 (Conviction Involving the Consumption of Alcohol)

5 11. Respondent is subject to discipline under Code section 2761, subdivision (a), on the
6 grounds of unprofessional conduct as defined in Code section 2762, subdivision (c), in that
7 Respondent was convicted of crimes involving the consumption of alcohol, as set forth in
8 paragraph 9, above.

9 **PRAYER**


10 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Registered Nursing issue a decision:

12 1. Revoking or suspending Registered Nurse License Number 279758, issued to
13 Bonnie Marie Demanty, also known as Bonnie Marie Capps;

14 2. Ordering Bonnie Marie Demanty, also known as Bonnie Marie Capps, to pay the
15 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
16 case, pursuant to Business and Professions Code section 125.3; and,

17 3. Taking such other and further action as deemed necessary and proper.

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19 DATED: April 17, 2013

20 *for* 
21 LOUISE R. BAILEY, M.ED., R.N.
22 Executive Officer
23 Board of Registered Nursing
24 State of California
25 Complainant

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